

## **PART 1780 – WATER AND WASTE LOANS AND GRANTS**

### **SUBPART A – GENERAL POLICIES AND REQUIREMENTS**

#### **1780.1 – General**

This instruction supplements RUS Instruction 1780 to assist in the orderly processing of water and waste loans and grants in North Dakota.

#### **1780.14 (b) – Other-than-Public Bodies**

Form RD-ND 1940-27, Representations for Loan and Authorization to File a Financing Statement and Related Documents, signed by other than public bodies gives USDA Rural Development authorization to file security documents. UCC-1/CNS-1, Uniform Commercial Code Financing Statement, will be filed with the Secretary of State to perfect an Assignment of Income and/or to take chattel property as security. The appropriate Security Agreement will be used.

#### **1780.14 (c) – Joint Financing Security**

Exhibits A and B provide for parity liens with the Bank of North Dakota and North Dakota Public Finance Authority (formerly North Dakota Municipal Bond Bank).

### **SUBPART B – LOAN AND GRANT APPLICATION PROCESSING**

#### **1780.31 (c) – Eligibility Determination**

The materials listed on ND RUS Bulletin 1780-1 and the information provided in ND RUS Bulletin 1780-1, Attachment A will be used to make the eligibility determination.

#### **1780.33 (c) – Application Requirements**

Loans to tax exempt public bodies will be developed using ND RUS Bulletins 1780-1 & 1780-3 with Attachments A and A 1; B and B 1; C or D, as applicable. Loans to other-than-public bodies will be developed using ND RUS Bulletins 1780-1 & 1780-4 with Attachment A, as applicable. A ND RUS Bulletin 1780-6, Resolution Authorizing Execution of Loan and/or Grant Documents, will be passed and executed by the applicants to cover all documents where passage of a resolution is required.

#### **1780.39 (b) – Professional Services and Contracts Related to the Facility**

EJCDC E-510, Standard Form of Agreement Between Owner and Engineer for Professional Services (Funding Agency Edition 2002) including Exhibits A through J will be used for engineering services.

1780.39 (e) – Reserve Requirements

The reserve for emergencies and extensions for facility replacement of short lived assets will equal one-tenth of an average loan installment or approximate principal and interest payment each year for the life of the loan. The reserve for debt service will equal one-tenth of an average loan installment or approximate principal and interest payment each year for the life of the loan. Loans secured by a revenue bond(s) require a reserve for both emergencies and extensions and debt service. Loans secured with special assessments require only an emergencies and extensions reserve.

**SUBPART C – PLANNING, DESIGNING, BIDDING, CONTRACTING,  
CONSTRUCTION AND INSPECTIONS**

1780.75 (i) – Agency Concurrence

ND RUS Bulletin 1780-5, Contract Document Instruments, will be used for all projects. Four copies will be completed and submitted to the State Office. All copies of the Contract Document Instruments will be executed by all parties before concurrence by the State Director or designee.

1780.76 (e) – Payment for Construction

Form RD 1924-18, Partial Payment Estimate, may be used for all projects. The Estimates must be approved by the contractor, engineer, owner-applicant governing body and USDA Rural Development.

Attachments: Exhibit A and B

ND RUS Bulletin 1780-1 with Attachment A

ND RUS Bulletin 1780-2 with Attachment A

ND RUS Bulletin 1780-3 with Attachments A and A1; B and B1; C and D

ND RUS Bulletin 1780-4 with Attachment A

ND RUS Bulletin 1780-5

ND RUS Bulletin 1780-6

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General  
Program-Related  
Instructions